THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.22407 OF 2005

DATED: 14.10.2005

Between:

T. Ravi Kumar

… PETITIONER

AND

Gajuwaka Municpality, rep., by its Commissioner,

Gajuwaka, Visakhapatnam.

… RESPONDENT

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THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.22407 OF 2005

ORAL ORDER:-

This writ petition is filed to declare the notice, dated 14.09.2005, issued by the respondent and also the provisional notice, dated 18.08.2005, as illegal, arbitrary

and violative of provisions of A.P. Municipalities Act, 1965.

Heard the learned counsel for the parties.

Learned counsel for the petitioner submits that the notice alleged to have been issued on 18.08.2005 under Section 228 of A.P. Municipality Act 1965, was not served on him and without giving any opportunity to submit his explanation, the impugned notice, dated 14.09.2005, has been issued. Therefore, he seeks direction of this Court to set aside the impugned notice.

Considering the facts and circumstances of the case, I deem it appropriate to treat the impugned notice, dated 14.09.2005, as issued under Section 228 of A.P. Municipality Act 1965, enabling the petitioner to submit his explanation, within a period of two weeks from the date of receipt of a copy of this order and with a further direction to the respondents to pass appropriate orders after giving an opportunity to the petitioner in accordance with law. Till such time, the respondents are directed not to interfere with the possession of the property of the petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

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14.10.2005

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